

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

OFFICER MCDONALD, OFFICER  
ADISON, LANCASTER COUNTY  
ADULT CORRECTIONS FACILITY,  
RELIGION CORDINATOR OF THE  
LANCASTER COUNTY ADULT  
CORRECTIONS FACILITY, DANIEL  
GREENE, Inmate; BRAD JOHNSON,  
Lancaster County Adult Corrections  
Facility Direct; ONE UNKNOWN  
CORRECTIONS OFFICER, of the  
Lancaster County Adult Corrections  
Facility; and CRAPO, Lancaster County  
Adult Corrections Facility Religion  
Cordnator;

Defendants.

**8:21CV67**

**MEMORANDUM AND ORDER**

This matter is before the court on Plaintiff's "Legal Notice" which he included with his Complaint and was docketed as a motion for leave to proceed in forma pauperis. (Filing 2.) However, Plaintiff's motion does not comply with the terms of 28 U.S.C. § 1915, the statute authorizing proceedings in forma pauperis. *See* 28 U.S.C. § 1915(a)(1) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the clerk's office or submitting a request to

proceed in forma pauperis that complies with 28 U.S.C. § 1915.<sup>1</sup> Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Legal Notice," construed as a request to proceed in forma pauperis (filing 2), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with 28 U.S.C. § 1915.

2. Plaintiff is directed to submit the \$402.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **March 31, 2021**: Check for MIFP or payment.

Dated this 1st day of March, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge

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<sup>1</sup> If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the court's \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\)](#); [In re Tyler, 110 F.3d 528, 529–30 \(8th Cir. 1997\)](#). He would not be subject to the \$52.00 administrative fee assessed to non-IFP plaintiffs.